

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF GUAM

UNITED STATES OF AMERICA,) MAGISTRATE CASE NO. 06-00026-001
)
 Plaintiff,)
)
 vs.)
)
TOMASA FRANGKO NEELY,)
)
 Defendant.)
)
_____)

Tomasa Frangko Neely was sentenced on December 12, 2006, in the District Court of Guam, for Reckless Driving, in violation of 16 G.C.A. § 9107 and 18 U.S.C. §§ 7(3) and 13. She received a sentence of seven days imprisonment, suspended, with credit for time served (one day), followed by a one year term of probation. Conditions of probation include that she not commit another federal, state, or local crime; not unlawfully possess a controlled substance; refrain from any unlawful use of a controlled substance; submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter; comply with the standard conditions of supervision; refrain from drinking alcohol and submit up to eight tests per month; participate in a program approved by the U.S. Probation Office for substance abuse, which program may include testing to determine whether she has reverted to the use of alcohol; perform 50 hours of community service; shall not leave Guam without approval of the Court or U.S. Probation Office; report to the U.S. Probation Office within 48 hours of sentencing for intake and processing; that failing to follow all of her conditions of probation will result in a hearing to revoke probation at which time the Court may impose the maximum penalty allowable under the statute charged; notify the Court of any material change in her economic circumstances that might affect her ability to pay restitution, fines, or special assessment; pay a \$10 special assessment fee; and pay a \$100 fine. On January 18, 2007, an Informational report was filed with the Court because Ms. Neely failed to report to the U.S. Probation Office within 48 hours of her sentencing. Ms. Neely commenced her term of probation on December 12, 2006.

Request to Travel

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Ms. Neely has requested to travel to Honolulu, Hawaii, to visit her sister and vacation with her teenage daughter. She plans to depart Guam on July 14, 2007 and return on July 29, 2007.

On February 7, 2007, Ms. Neely completed her drug testing requirement and has tested negative on alcohol tests conducted to date. In addition, she has been participating in substance abuse treatment since December 27, 2006. Ms. Neely completed her community service requirement on February 4, 2007 and paid her \$10 special assessment fee and \$100 fine on December 12, 2006.

In addition, Ms. Neely is serving a two year term of probation with the Superior Court of Guam, which began on December 27, 2006, for Driving Under the Influence of Alcohol (as a misdemeanor). On March 2, 2007, she paid her monetary penalties to include \$1,000 fine plus Court costs and \$386.25 as a result of converting her community service requirement to a fine. Ms. Neely is also required to attend the Alcohol Treatment Program at the Superior Court of Guam, which requires a \$200 tuition fee. Ms. Neely is aware that she must also get approval from the Superior Court of Guam for her travel request.

This Officer supports the travel request and seeks Court approval.

Respectfully submitted,

FRANK MICHAEL CRUZ
Chief U.S. Probation Officer

By:



/s/ JOHN W. SAN NICOLAS II
U.S. Probation Officer

Reviewed by:



/s/ ROSSANNA VILLAGOMEZ-AGUON
U.S. Probation Officer
Supervision Unit Leader

cc: File